

NURSING BOARD[655]

Notice of Intended Action

Proposing rule making related to child abuse and dependent adult abuse mandatory reporter training and providing an opportunity for public comment

The Board of Nursing hereby proposes to amend Chapter 3, “Licensure to Practice—Registered Nurse/Licensed Practical Nurse,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 147.10, 232.69(3)“e,” 235B.16(5)“f,” and 272C.2.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 232.69 and 235B.16.

Purpose and Summary

2019 Iowa Acts, House File 731, amends Iowa Code sections 232.69(3) and 235B.16(5), which govern mandatory child abuse and dependent adult abuse reporter training requirements for certain professionals. This rule making amends Chapter 3 to conform to those changes and requires that nurses who must make reports for child abuse or dependent adult abuse, or both, comply with the training requirements provided in the amended Iowa Code sections 232.69 and 235B.16 every three years.

This rule making also amends Chapter 3 to remove references to wallet cards because the Board no longer issues physical wallet cards to licensees.

This rule making also amends Chapter 3 to clarify that a passing score on the Internet-based Test of English as a Foreign Language (TOEFL®) test is an 84 with a speaking score of at least 26.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 655—Chapter 15.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on November 26, 2019. Comments should be directed to:

Kathy Weinberg
Iowa Board of Nursing
400 S.W. Eighth Street, Suite B
Des Moines, Iowa 50309
Email: kathy.weinberg@iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

December 6, 2019
9 to 10 a.m.

Board Office, Suite B
400 S.W. Eighth Street
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **655—3.1(17A,147,152,272C)**, definition of “Fees,” as follows:

“Fees” means those fees collected which are based upon the cost of sustaining the board’s mission to protect the public health, safety and welfare. The nonrefundable fees set by the board are as follows:

1. to 9. No change.

10. For a ~~duplicate or reissued wallet card or original certificate to practice~~ recognizing Iowa licensure as a registered nurse, licensed practical nurse, or advanced registered nurse practitioner, \$20.

11. to 13. No change.

14. No change.

ITEM 2. Amend paragraph **3.6(2)“c”** as follows:

c. The ability to read, write, speak, and understand the English language as determined by passing the TOEFL® or IELTS™ test. ~~A For the TOEFL® test, a passing score is as follows: 560 for the TOEFL® paper-based test; or 220 for the TOEFL® computer-based test; or 84 for the TOEFL® Internet-based test; and with a speaking score of at least 26. For the IELTS™ test, a passing score is as follows: an overall score of 6.5 and a speaking score of 7.0 for the IELTS™ test.~~ An applicant shall be exempt from taking either the TOEFL® or IELTS™ test when all of the following requirements are met: (1) the nursing education was completed in a college, university, or professional school located in Australia, Barbados, Canada (except Quebec), Ireland, Jamaica, New Zealand, South Africa, Trinidad and Tobago, or the United Kingdom; (2) the language of instruction in the nursing program was English; and (3) the language of the textbooks in the nursing program was English.

ITEM 3. Amend paragraph **3.7(3)“b”** as follows:

b. Mandatory reporter training.

(1) The ~~course~~ course(s) shall be a the curriculum approved provided by the Iowa department of ~~public health~~ human services.

(2) A licensee who regularly examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of ~~two hours of~~ training in child abuse identification and reporting as required by Iowa Code section 232.69(3) “b” in the previous five three years or condition(s) for rule suspension as identified in subparagraph 3.7(3)“b”(6) 3.7(3)“b”(5).

(3) A licensee who regularly examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of ~~two hours of~~ training in dependent adult abuse identification and

reporting as required by Iowa Code section 235B.16(5) “b” in the previous ~~five~~ three years or condition(s) for rule suspension as identified in subparagraph ~~3.7(3) “b”(6)~~ 3.7(3) “b”(5).

~~(4) A licensee who regularly examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training on abuse identification and reporting in dependent adults and children or condition(s) for rule suspension as identified in subparagraph 3.7(3) “b”(6). Training may be completed through separate courses as identified in subparagraphs 3.7(3) “b”(2) and (3) or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse.~~

~~(5) (4)~~ The licensee shall maintain written documentation for ~~five~~ three years after mandatory training as identified in subparagraphs 3.7(3) “b”(2) ~~to (4)~~ and (3), including program date(s), content, duration, and proof of participation.

~~(6) (5)~~ The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

1. Is engaged in active duty in the military service of this state or the United States.
2. Holds a current exemption based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 655—Chapter 5.

~~(7) (6)~~ The board may select licensees for audit of compliance with the requirements in subparagraphs 3.7(3) “b”(1) to ~~(6)~~ (5).

ITEM 4. Rescind subrule **3.7(6)**.

ITEM 5. Renumber subrule **3.7(7)** as **3.7(6)**.

ITEM 6. Amend renumbered subrule 3.7(6) as follows:

3.7(6) *Reissue of a an original certificate or wallet card.* The board shall reissue a an original certificate ~~or current wallet card~~ recognizing Iowa licensure upon receipt of a written request from the licensee, ~~return of the original document~~ and payment of the fee as specified in rule 655—3.1(17A,147,152,272C). No fee shall be required if an error was made by the board on the original document.